

**IN THE COURT OF SH. SUMIT DASS, ADDITIONAL SESSIONS
JUDGE-05, NEW DELHI DISTRICT, PHC, NEW DELHI.**

**Bail application no.286/2025 :FIR no.16/2025
State v/s Nishu Gupta
PS: EOW
U/s 420/406/120B IPC**

19.03.2025

Present: Ms. Manisha Singh, Ld. Addl. PP for the State.
Ld. Counsel for the applicant/accused.
IO is present in person.

This is the bail application under Section 482 of BNSS, 2023
moved on behalf of applicant/accused for grant of anticipatory bail.

Arguments on the bail application have been heard. Reserve for
orders.

Put up at 11.30 am.

**(Sumit Dass)
ASJ-05, New Delhi District
Patiala House Courts, New Delhi
19.03.2025**

At 11.30 am

Present: Ms. Manisha Singh, Ld. Addl. PP for the State.
Ld. Counsel for the applicant/accused.
IO is present in person.

Ld. Counsel for the applicant/accused prays that the
applicant/accused is a lady and was not involved in the offence as alleged

or attributed to her. In fact she was only a housewife and the real culprit was her brother in-law Gaurav Gupta who is absconding. She has also been cheated/made a puppet by Gaurav Gupta. Except the fact that she had done documentation which she had to do as directed being a lady, nothing else was done by her. She is willing to join the investigation and abide by the terms and conditions as directed by this Court.

Per contra Ld. APP for the State submits that the case pertains to three properties i.e. RZ-63, Dabri Extention, Delhi, (ii) Plot No.5 & 6, Durga Park, Delhi and (iii) Plot No.30, West Sagarpur, Delhi. Insofar as the first property is concerned the said property was purchased by applicant/accused Nishu Gupta on 02.06.2023 by way of registered sale deed. Applicant/accused had executed GPA, ATS in favour of Harkesh Pandey on 04.12.2023 whereafter she received the consideration of Rs. 66 lac. Subsequently this property was sold by her to one Navneet Sharma on 28.12.2023 by way of a sale deed for Rs. 90 lacs. Money was received in her account.

Co-accused Gaurav Gupta had started construction over the said property and executed ATS with Amandeep Kaur for sale consideration of Rs. 60 lacs. Rs. 30 lacs was received by him and Rs. 11 lacs was received in the account of applicant/accused Nishu Gupta. Back side of the said property was also agreed to be sold to one Abhishek Chauhan for Rs. 33 lacs. Another sale of 100 sq. yards with one Ruchi Pandey for which Rs. 17 lacs was received by the applicant/ accused in her bank account was also

agreed/undertaken. Though the actual sale consideration which was received was Rs. 53 lacs. Applicant/ accused Nishu Gupta had also executed another ATS in favour of Amit Pandey for Rs. 71.30 lacs and received Rs. 7,88,500/- in her account. Further during the course of investigation it was revealed that accused Gaurav Gupta had obtained a loan of Rs. 90 lacs from Jana Small Finance Bank by forging/mortgaing another set of documents. Total cheated amount is Rs. 4.57 crores. Ld. APP further submits that Gaurav Gupta is absconding. Harkesh Pandey also claims to have the original documents i.e. the chain. Another chain of documents i.e. previous ownership documents was given to the buyer and again the original documents were deposited with Jana Small Finance Bank. Ld. APP submits that custodial interrogation is required for to unearth those documents particularly the chain which has been forged and multiple chains have been made – whereupon financial loan etc. have been taken from various sources including the bank.

I have given my thoughtful consideration to the submissions made at bar. Though it has been sought to portray that accused Gaurav Gupta was the main mastermind but the fact of the matter is that applicant/accused Nishu Gupta had executed the documents multiple times to various persons. Repeatedly account transfers were made/ money had been transferred in her bank account. Applicant/accused Nishu Gupta and Gaurav Gupta are also putting up in same house as informed by the IO. The source wherein the chain of documents were obtained which was given

to unsuspecting buyers and also placed with the bank requires to be thoroughly probed.

In my considered opinion custodial interrogation may be required for the said reason - the source of the documents as particularly the forgery aspect for which it has been informed that Section 467 IPC has been attracted. It is the case where there are multiple transactions. One chain i.e. RZ-63, Dabri Extension, Delhi is only part of FIR as there are other properties as well wherein the role of accused Gaurav Gupta is there/directly involved.

Considering the totality of facts and circumstances particularly the seriousness of the offence and the need of investigation to unearth the source of those documents – ascertain the aspect of forgery, in my opinion grant of anticipatory bail would impede the fair investigation of the case in hand. **As such bail application for anticipatory bail of the applicant/accused Nishu Gupta is dismissed. Copy of the order be given dasti.**

(Sumit Dass)
ASJ-05, New Delhi District
Patiala House Courts, New Delhi
19.03.2025